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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,081	06/15/2001	Karel-Jan Van Der Toorn	NL 000327	9487

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

WILSON, LEE D

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,081

Applicant(s)

VAN DER TOORN, KAREL-JAN

Examiner

LEE D WILSON

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell (6152435).

a. Snell discloses a holder having a base plate (20), a guide member (24) with two guides (60&62) with two tapering sides and three guides (fig.3B).

b. Snell does not disclose a holder which holds a cassette for semiconductor material.

c. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the holder to hold a cassette for semiconductor material, since a worker can select a workpiece on the basis of its suitability for the intended use the holder is being used for. (Note: a holder is often named on bases of its intended use but that may not be the only use for the workholder.)

3. Claims 1-2, 4, and 7-9 under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920).

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a. Engibarov discloses a holder having a base plate (10), a guide member (18) with three guides with two tapering sides (see fig.7 which element 29 has two tapering sides or fig.9 with elements 66&68, all of these read) and the guide is secured (col.3, lines 24-27) to a slot (20) by nut (19) and bolt (25).

b. Engibarov does not disclose a holder which holds a cassette for semiconductor material.

c. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the holder to hold a cassette for semiconductor material, since a worker can select a workpiece on the basis of its suitability for the intended use the holder is being used for. (Note: a holder is often named on bases of its intended use but that may not be the only use for the workholder.)

d. In regard to claim 6, Engibarov discloses the claimed invention except for aluminum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made nuts and bolt out of aluminum, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

e. In regard to claim 8, Engibarov discloses the claimed invention except for a material having a low coefficient of friction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made a guide member out of a material with a low coefficient of friction, since it has been held to be within the general skill of a worker in the

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art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7- 9 above, and further in view of McConkey (5074536).

- a. Engibarov is discussed above.
- b. Engibarov does not disclose guide members with a trapezodial shape.
- c. McConkey discloses a holder having guide members with a trapezodial shape (15&18) which is an alternative shape used to hold a workpiece.

- d. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a trapezoidal shape as taught by McConkey which used as an alternative shape used to hold a workpiece.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7- 9 above, and further in view of Gaither (3626600).

- a. Engibarov is discussed above.
- b. Engibarov does not disclose guide members with a trapezodial shape.
- c. Gaither discloses a holder having a guide member (19) and a base (18) that is graduated which allows the movements of the guide member to be measured.

- d. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a base that is graduated as taught by Gaither which allows the movements of the guide member to be measured.

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6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) as applied to claims 1-2, 4, and 7- 9 above, and further in view of Takisawa et al (6383890).

a. Engibarov is discussed above.

b. Engibarov does not disclose a detection means.

c. Takisawa et al disclose a holder having a detection means which allows the position of the workpiece to be determined.

d. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a position sensor as taught by Takisawa et al which allows the position of the workpiece to be determined.

Response to Arguments

1. Applicant's arguments filed 12/29/03 have been fully considered but they are not persuasive.

2. Applicant states the workpiece is aligned, situated, and arranged at a predetermined distance.

a. The workpieces is secured between the guides of the prior art. The fact the guides are situated do not apply any motion but really mean that they can be set in position before the introduction of the workpiece. The applicant appears to suggesting the that some sort of biasing is taking place and if not then the point becomes a matter of setting the work holder guides and placing the workpiece in there just like the prior art.

3. Applicant states that the prior art does not disclose a work holder that has guides for aligning and identically situating the workpiece with regard to the base plate.

b. The applicant is referring to the fact that the guides capture the workpiece of the same dimensions every time after the guides have been set. This is true of all work holders. It is not like the applicant is claiming some memory resetting device that automatically aligns the workpiece or changes guide setting to accomdate a variety of settings.

4. Applicant states that tightening is required after insertion.

c. There is nothing the claims that really address the movement of the guides after the workpiece is placed the apparatus. There is not biasing

mechanism being claimed. There is nothing in the claims that addressing sizing or capturing the workpiece automatically.

d. Many of the applicants argument appear to be broader in scope than what is being claimed as noted above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

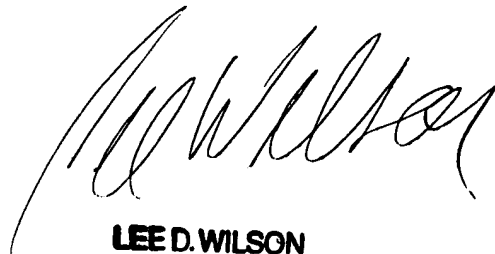
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D WILSON whose telephone number is 703-305-4094. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

April 1, 2004



LEE D. WILSON
PRIMARY EXAMINER